

Mark Schlachet, Esq.

Tel: 216-225-7559

email: markschlachet@me.com

**3515 Severn Road
Cleveland, Ohio 44118**

**1249 East 35th Street
Brooklyn, New York 11210**

9511 Collins Ave.

Apt. 605

**Surfside, FL 33154
(Succos-Shavuos)**

Admitted: OH, NY

January 8, 2021

Via ECF

The Honorable Pamela K. Chen
United States District Court
225 Cadman Plaza East
Brooklyn New York 11201

Re: *Tymar Distribution LLC v. Rivelle Products, Inc. et al.*; Case No. 1:20-cv-00719-PKC-SJB

Dear Judge Chen:

Undersigned is counsel to plaintiff Tymar Distribution, LLC. Pending before Your Honor are defendants' Motions to Dismiss, ECF 52 and 54, and plaintiff's opposition, ECF 63.

Some time ago undersigned counsel argued the same Section 1 Sherman Act antitrust claim, as argued herein, before Judge P. Kevin Castel in *2238 Victory Corp. v. Fjallraven USA Retail, LLC, et al.*, No. 19-11733-PKC. His Honor recently dismissed the antitrust claim under the Sherman Act, Section 1, while confirming that a Section 2 Sherman Act claim would lie under appropriate allegations. As in *Fjallraven*, Plaintiff withdrew its Section 2 Sherman Act claim herein. Accordingly Plaintiff hereby submits the decision as supplemental authority.

Respectfully submitted,

/s/ Mark Schlachet

cc: All Counsel w/ enc. (ECF)